

# New England Fishery Management Council Groundfish Oversight Committee

## Meeting Summary

November 5, 2009

The Groundfish Oversight Committee (Committee) met in Danvers, MA to continue development of Framework 44 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee discussed specifications for FY 2010-2012, allocation of yellowtail flounder to the scallop fishery, effort control modifications for the common pool, and U.S./Canada area measures. Committee members present were Mr. Rip Cunningham (Chair), Mr. Terry Stockwell (Vice-Chair), Mr. Erling Berg, Mr. Frank Blount, Mr. David Goethel, Mr. Howard King, Mr. Mike Leary, Ms. Sally McGee, Ms. Sue Murphy, Mr. Jim Odlin, Dr. David Pierce, and Mr. Dave Preble. They were supported by staff members Mr. Tom Nies and Ms. Anne Hawkins (NEFMC), Mr. Doug Christel and Mr. Tom Warren (NMFS NERO), and Mr. Gene Martin (NOAA General Counsel).

Discussions were guided by PDT reports dated November 3 and June 12, 2009, a joint scallop/groundfish PDT report dated September 17, 2009, and the draft Framework 44 management measures.

### Specifications/ACLs for FY 2010-2012

Council staff provided an overview of ACLs recommended by the PDT. Several Committee members discussed the topic of sector membership deadlines, and asked whether it would be possible to change the date for sector membership decisions from April 30<sup>th</sup> to an earlier date that would fall after the sector sub-ACLs would be known. Staff responded that Council involvement was not expected on membership decision dates, and other Committee members stated that, because of contract provisions within the sectors, membership was not likely to change a great amount in the months before the beginning of the fishing year. Ms. Murphy stated that the NMFS was not holding any person to sector membership until May 1<sup>st</sup>, and that a second set of sector membership numbers would be published after the May 1<sup>st</sup> FW 44 numbers were made available. Based on GC advice, NMFS is unable to hold any person to sector membership prior to May 1, given that there are no regulations in place requiring this. Council staff noted that the preliminary ACL numbers have been circulated to sector organizers, and will be officially distributed to the general public as soon as the Council votes on ACLs in November. One Committee member argued that it would be useful to have a “drop-dead” date for decisions on sector membership that was prior to May 1<sup>st</sup>, in order to curb massive changes to the ACLs due to movement between sectors and the common pool.

Council staff then provided an explanation of incidental catch TACs. A Committee member noted that many of the values were very small and asked whether it was possible to eliminate these numbers, and staff responded that the regulations would need to be entirely re-written, or that the percentages could be adjusted within the existing management structure. He noted that not much of these amounts have been caught in the recent past.

**Motion:** The Committee recommends we propose the ACLs as described in Table 1 and Table 2 of the draft FW 44 document. (Mr. Odlin/Mr. Berg)

The motion **carried** on a show of hands (10-0-0).

## **Yellowtail Flounder Allocation to Scallop Fishery**

The Committee heard a presentation from Council staff that explored the valuation of yellowtail flounder for the groundfish fishery. It was noted that too high of an allocation to the scallop industry would lead to increased discards, since the scallop fleet generally does not land large amounts of yellowtail. In response to a question about ACE transfer between the scallop and groundfish fleets, staff noted the development of a white paper that concluded a plan amendment would be necessary to create such a system. Finally, staff remarked that there may be issues with what ACL the yellowtail would count against (whether a sector's or the scallop fishery's) if there were to be joint sectors.

Public comment included:

- Ron Smolowitz, Fisheries Survival Fund: Here in New Bedford, our highest bycatch rate is in the CAII access program. 2000 lbs. of yellowtail makes a complete trip for scallop vessels. As to the issue of discards, historically the scallop fleet landed both groundfish and flounders. In 1994 was the first time the scallop fleet looked at the issue of reducing bycatch. The Council supported that it focused on scallops, with restrictions on possession limits. In FW 11 the Council increased the possession limit, to convert discards to landings. The bulk of the fish the scallop industry is catching now are in the 40-cm. bracket. One option would be to eliminate the minimum fish size to turn this around into landings. Scallopers run the risk that if they have undersized fish, they can lose the entire scallop catch, which leads them to discard all fish. I want to be clear that the number of fish we are talking about in relation to the dragger fleet is compatible. I don't understand sectors that well, but why would they reduce bycatch if the allowable catch numbers were so low? It seems like they would still discard yellowtail to get their other catch. There are approaches that convert discards into landings if we want to go back to the historic practice of converting discards into landings.

Council staff then reviewed a letter from the Scallop Committee to the Groundfish Committee. The Scallop Committee recommended that the scallop industry be allocated 100% of the yellowtail flounder that is needed for 2010 and 90% of what is needed for 2011 and 2012. They encouraged the 90% allocation in the later years in order to provide an incentive to reduce discards. A Council member who sits on both Committees noted that there was concern that the Scallop Committee had not chosen a preferred alternative for the scallop harvest in terms of whether or not there would be closures. The lack of knowledge about likely scallop management measures would make it difficult to determine how much yellowtail allocation would be needed at this time.

One Committee member stated that giving a 100% allocation would not encourage any modification of behavior, and that such modification was necessary to keep the fishery operating. He felt that this issue pitted fishermen from one industry against those from another, and posited that the only fair way to split the allocation would be for each side to assume 50% of the loss.

Ms. Murphy stated that the amount of yellowtail given to the scallop industry will be a sub-component in FY 2010 but will become a sub-ACL with an AM in subsequent years. Since the amount of yellowtail flounder it is a large number, the agency is seeing it as an allocation, and someone – presumably the groundfish fishery - will need to be held accountable in FY 2010 if the overall ACL were to be exceeded because of activities in the scallop fleet. After a break, she

clarified that it is not in the proposed rule that an overage by the scallop fishery would lead to the triggering of AMs for groundfish, but that such a provision may be adopted in the final rule based on public comment.

**Motion:** The Groundfish Committee recommends allocating 100 percent of the projected yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90 percent of what is needed for 2011 and 2012; and that the scallop fisheries are required to land all legal sized yellowtail flounder. The Committee also recommends that the council move forward with the necessary amendments as soon as possible to allow the transfer of ACE between the groundfish and scallop fisheries. (Mr. Odlin/Ms. McGee)

The maker of the motion expressed hope that provisions for the transfer of ACE between the scallop and groundfish fisheries could be in place by 2012. Another Committee member stated that a 100% allocation in 2010 would not give motivation for vessels to avoid yellowtail. He was concerned about item 10 in the PDT memo regarding differential impacts on communities. For small vessels from southern New England ports, yellowtail is one of the only species available. However, in New Bedford, it would be possible that community gains by the scallop industry may offset losses by the groundfish fishery, although individual vessels would still be affected by a reduced allocation.

**Motion to substitute:** The Groundfish committee recommends allocating 50 percent of yellowtail flounder needed by the scallop fishery for 2010-2012; and that the scallop fisheries are required to land all legal sized yellowtail flounder. The committee also recommends that the council move forward with the necessary amendments as soon as possible to allow the transfer of ACE between the groundfish and scallop fisheries. (Dr. Pierce/Mr. Goethel).

Several Committee members stated concern that any number chosen for an allocation would be somewhat arbitrary in light of uncertainty over which scallop management alternative would be implemented.

Public comment included:

- Drew Minkiewicz, Fisheries Survival Fund: We are adamantly opposed to the substitute motion. I can do the math for you. It is not even possible to reduce yellowtail bycatch by 50% of current levels. You would be looking at a \$200 million impact. Over \$100 million would come from New Bedford, so it is interesting that the Massachusetts representative proposed this motion. As far as the transfer of ACE, we support that. We are talking about giving up \$200 million in scallop revenue for a \$75 million groundfish fishery. These fisheries can both coexist. Groundfish is already getting the lion's share of the yellowtail. There is an assumption that if you give the scallopers what they have already been catching, the groundfish industry can't survive. That you are considering a 50% cut is incomprehensible.
- Chris Brown, President, RI Commercial Fisherman's Association: I do not want to get into what the percentage should be, but I know that over time, collective concern is a poor substitute for individual responsibility. If you allocate yellowtail to individual fishermen, you will solve the problem. The fishermen who are good at avoiding yellowtail will succeed, and the others will not
- Ron Smolowitz: I agree with Mr. Minkiewicz. We have been operating in the last ten years with an in-season AM for access areas. That is in effect for 2010 as well. As an industry we have been working hard to reduce our yellowtail bycatch, through rotational areas and other innovations. The original motion, reducing to 90%, it would be a discard,

- Rich Canastra, Whaling City Seafood Auction: It amazes me that we have scallopers fighting with groundfishermen, and vice versa, and all because of yellowtail. We are in a sharing agreement with Canada – we have 20% of the ABC because of our rebuilding plan, which ends in 2014. We also have 75% uncertainty on the stock, which is not necessary. The SSC is taking even more off the top for scientific uncertainty. There is no management uncertainty because this is a hard TAC. Fix it from the top down – we would not have this problem of a fight between the two industries if not for management taking so much off the top.
- Gib Brogan, Oceana: I have no opinion on the actual amount, other than that allocating the 100% is a poor decision. That will not change behavior over time. Any allocation to the scallop fishery needs to come with accountability, whether called an AM or a hard-TAC backstop. It is hardly fair to make an allocation to the scallop fishery with no strings attached.
- Jen Litteral, Mid Coast Fishermen’s Association and Port Clyde Sector: I want to comment on the landing of legal-sized flounder portion of the motion. I want to support that piece, but am not commenting on the rest because it does not affect Maine yet.
- Eric Brazer, GB Cod Sectors: I cannot comment on the percentage, but I think the important goal is to modify behavior. Both fisheries have made progress, but both must continue to do so. The groundfish fishery needs maximize potential on haddock in the Eastern U.S./Canada area – we need to be able to catch 35 haddock for every cod in that area to meet our allocation, and that’s going to have to come with behavioral changes. That is a necessary component of this. I am concerned that the analysis failed to acknowledge other components of value – the value to community, shoreside infrastructure, safety, jobs, etc. Looking solely through an economic lens ignores some other factors.

Committee members expressed differing views on the motion, including the need to “get things moving” and make future decisions easier, but also voiced concerns about the costs of the motion and the ability to quickly create a system under which ACE can be transferred.

The motion to substitute **failed** on a show of hands (3-7-1).

**Motion to substitute:** The Groundfish Committee recommends allocating 90 percent of the projected GB and SNEMA yellowtail flounder ABC needed for the scallop fishery for FY 2010 and 90 percent of what is needed for 2011 and 2012; and that the scallop fisheries are required to land all legal sized yellowtail flounder. The committee also recommends that the council move forward with the necessary amendments as soon as possible to allow the transfer of ACE between the groundfish and scallop fisheries. (Mr. Stockwell/Ms. McGee)

Public comment included:

- Ron Smolowitz: I am just trying to figure out the direction that we are trying to go. The number we have there is our historic sector allocation, which has been discarded. Is the idea of going to 90% is that we want to decrease discards? Or to transfer the allocation from one sector to another? If we want the second, that is the Council’s choice. We have been decreasing discards for 10 years, with the research effort and the closed areas – we have an incentive because we have been losing money in landings. I just hope everybody fully understands the implications of this motion.

The motion to substitute **carried** on a show of hands (6-4-1).

A Committee member expressed hope that the Council would be able to review the estimated revenue reductions to the groundfish fishery as well as the potential reduction in revenue to the scallop fishery associated with this action in order to further inform their discussion.

The main motion, as substituted, **carried** on a show of hands (8-2-1).

**Motion:** The Groundfish Committee recommends that the scallop dredge CC/GOM YTF component of the fishery be included in the “other” category for ACL consideration.

One Committee member noted that it would be necessary to revisit this if the component’s catch were to be exceeded. Another noted that all fisheries that are not state waters fisheries are listed separately.

The motion **carried** on a show of hands (9-0-1).

**Motion as perfected:** For the CC/GOM and GB yellowtail flounder stocks, the scallop ACL will be set at 97 percent of the ABC; for SNE/MA components, the ACL should be set at 93 percent of the ABC. (Mr. Odlin/Mr. Goethel)

Ms. Murphy stated that, since there are no AMs if the overall ACL is exceeded, it could be problematic if there is uncertainty that is not taken into account. Council staff clarified that the uncertainty levels would reduce the allocation to the scallop fishery to less than 90 percent of the amount the fishery was expected to harvest under a given scallop management scenario.

Public comment included:

- Ron Smolowitz: In the scallop fishery we have a higher degree of information coming in, as far as the observer data and biomass estimates. It would seem to me that there is more certainty with what happens on scallop vessels, especially if we move to landing catch that was previously discarded.
- Vito Giacalone, Northeast Seafood Coalition: I am really indifferent to this, but want to offer a suggestion. Why not use the same uncertainty across the board for the entire fishery. I do not think it makes a big difference, and it really seems like splitting hairs to have two different numbers.
- Drew Minkiewicz: Concerning the previous motion, do we even need to designate an ABC/ACL reduction, since it is not a sub-ACL for CC/GOM? The PDT was looking at the ability to stop the catch in-season. It’s a well-managed fishery, with a lot of information coming in, so a higher percentage is justified.

In response to public comment, Council staff clarified the process for setting the uncertainty levels for groundfish ACLs.

**Motion to substitute:** To set ACLs at 95 percent of the ABC for the scallop fishery yellowtail flounder catch in all stock areas. (Dr. Pierce/Mr. Stockwell)

A Committee member noted that part of the yellowtail catch on GB by scallop vessels is under a hard TAC, and asked whether it made sense to have the same level of uncertainty there as in other areas where there is no hard TAC.

The motion to substitute **failed** on a show of hands (3-6-2).

**Main Motion as perfected:** For the CC/GOM and GB yellowtail flounder stocks, the scallop ACL will be set at 97 percent of the ABC; for SNE/MA components, the ACL should be set at 93 percent of the ABC. (Mr. Odlin/Mr. Goethel)

The main motion **carried** on a show of hands (9-1-1)

## **FW 44 Management Measures**

### *Regional Administrator Authority Measure*

Council staff reviewed the draft FW 44 text for effort control adjustments by the RA and sought Committee input. A Committee member stated that it would put NMFS in a difficult position to determine the catch rate for each species and make very specific changes to prevent exceeding the ACLs. He felt the language should be revised to give NMFS flexibility to reduce the likelihood of exceeding ACLs without charging NMFS with the absolute duty to prevent their overage. NMFS staff suggested that the measure would likely be treated the same way regardless of which form of language was used. The Magnuson Stevens Act uses the language “to prevent” exceeding the ACL.

**Motion:** That §4.2.4, Option 4, of the draft Framework 44 document (Effort Control Measure Adjustments) be revised to replace the text at the top of page 25 that reads “to prevent exceeding the ACLs of allocated multispecies stocks in all areas (including the eastern US/CA Area)” with “to reduce the likelihood that ACLs of allocated multispecies stocks in all areas will be exceeded”. (Dr. Pierce/Mr. Odlin)

Council staff clarified that the draft text would not change any measures in the U.S./Canada area, and would not create separate stocks in that area. A Committee member thought that the revision to the language would be less consistent with Magnuson than the original text proposed by the PDT.

The motion **carried** on a show of hands (6-3-2).

### *Common Pool Effort Control Adjustments*

Council staff presented a report from the PDT detailing various adjustments to trip limits and differential DAS counting for FY 2010.

**Motion:** That the FY 2010 initial trip limit for GOM cod be 800 lbs. per DAS and 4,000 lbs. per trip, and 2:1 counting in the same area will be applied as implemented for Amendment 16. The initial trip limit for GOM pollock is 1,000 lbs. per DAS up to 10,000 lbs. per trip. (Mr. Odlin/Dr. Pierce)

The maker of the motion felt that it was sensible to retain measures that are already in place, since the fleet is familiar with those rules. The existing rules would at least have the effect of not increasing discards, although he felt that discards should be decreased instead. Ms. Murphy

echoed that it would be prudent to set measures conservatively at the beginning of the year to prevent rapidly exceeding the ACL.

Public comment included:

- Maggie Raymond, Associated Fisheries of Maine: I am having trouble understanding the rationale for why these two stocks are the ones getting this extra attention. I hope at some point, if this passes, there is some sort of rationale provided for why these are the only stocks that get this special spanking.
- Vito Giacalone: Option 3A that was selected by the Council was selected to achieve maximum security and to prevent having a derby. I think the most important thing is to not have an in-season adjustment and that the accountability measure is a post-season adjustment. The 800-lb. trip limit makes for GOM cod a lot of sense, along with 100 lbs. of pollock, a 50% DAS cut, and a 24-hour minimum clock. You would have an AM in the following year, so you do not need in-season adjustments. The in-season adjustment needs to be put off.

**Motion to substitute:** The FY 2010 initial trip limit for GOM cod be 800 lbs. per DAS and 4,000 lbs. per trip, and 2:1 counting in the same area will be applied as implemented for Amendment 16. The initial trip limit for pollock is 1,000 lbs. per DAS up to 10,000 lbs. per trip, and for GOM haddock the trip limit will be 250 lbs. per DAS. (Mr. Leary/Mr. Goethel)

One Committee member expressed frustration with the need to impose trip limits on a lot of stocks, but thought that the catch limits for the common pool would be so small that there was no other choice. Council staff clarified that fishermen have not been using all of their DAS, and that it would be misleading to assume that issues never seen before would suddenly arise. There may be some changes in behavior, but people are still worried about their costs.

Public comment included:

- Maggie Raymond: We oppose this trip limit on GOM haddock.
- Vito Giacalone: GOM haddock is one of the few stocks declared rebuilt in Amendment 16, and it borders the GB haddock stock. If we are going to limit guys with 2:1 counting, a 24-hour minimum, and a non-existent DAS leasing market to 250 lbs. of haddock, there will be serious problems.

The motion to substitute **failed** on a show of hands (2-8-1).

**Main Motion:** That the FY 2010 initial trip limit for GOM cod be 800 lbs. per DAS and 4,000 lbs. per trip, and 2:1 counting in the same area will be applied as implemented for Amendment 16. The initial trip limit for GOM pollock is 1,000 lbs. per DAS up to 10,000 lbs. per trip. (Mr. Odlin/Dr. Pierce)

The main motion **carried** on a show of hands (11-0-0).

## **U.S./Canada Area Measures Revisions**

Council staff reviewed PDT recommendations to the Committee on changes to measures for the U.S./Canada area. Recommendations included the use of a flounder net, and consideration to

recommend that the yellowtail flounder trip limit be set low at the start of the year. There were high discards of cod in early August this year, so the PDT recommended requiring selective trawl gear when the area first opens. The PDT noted that the cod and yellowtail flounder TACs would be smaller in FY 2010.

**Motion:** To recommend the Council adopts the PDT recommendations for the US/CA area measures for FY 2010. (Mr. Stockwell/Mr. Preble)

**Motion as a friendly amended:** The Committee recommends to the Council that the US/CA area not open for common pool or sector vessels using trawl gear until August 1<sup>st</sup> of the fishing year.

The maker of the motion thought it was not sensible to allow any trawl vessels – whether in sectors of the common pool - in an area that was heavy with cod. He noted that setting a lower trip limit for cod would only result in increased discards. He then clarified that hook gear and fixed gear should be allowed to access the area as of May 1<sup>st</sup> as is currently implemented.

The motion, as friendly amended, **carried** on a show of hands (9-0-0).

## **Other Business**

### *Sector Rolling Closure Exemption Request*

**Motion:** The Committee recommends that the Council endorse requests made by sectors that they be exempt from the rolling closure Block 138 in May. (Mr. Stockwell/Mr. Leary)

Ms. Murphy explained the status of the sector requests for exemptions from that area. NMFS originally told sectors that several exemption requests were denied up front, since there were serious concerns on those requests and they did not want the sectors to spend too much time preparing sections of the operation plans for items that were not going to go forward. They have since agreed to put the requests out for public comment, but to flag them as items of serious concern.

One Committee member asked whether this closure was intended for spawning, and stated the he believed tagging studies showed cod spawning occurs there. He asked whether the PDT or NEFSC were going to analyze the rolling closures for spawning priorities. Council staff clarified that there was no PDT analysis prior to the June Council meeting where the list of rolling closures was developed. The motion at the time was modified to state that the PDT would examine the closures at a future date. There has been no thorough review. Another Committee member stated that, since sectors are under a hard TAC, they should not be subject to rolling closures that were implemented for mortality reductions.

Public comment included:

- Maggie Raymond: Block 138 is the only one that stands by itself. Block 131 is right below it – vessels from Portland can fish there but they have to move to Gloucester so they do not steam through the Block 138 to get there. That area historically does not have high catches of cod. We think it was an oversight, but the Council did leave a possibility for sectors to apply for an exemption, and now the NMFS is telling us the exemption

- Vito Giacalone: We support AFM and believe this should go to public comment. The universally exempt blocks were ones that we did not have to justify, but we had to come up with some creative and thoughtful justifications for why we would request the remaining blocks. We asked for some of the things – we put thoughtful measures in asking for exemptions from Blocks 134 and 135 and were denied for many of the same “fatal flaw” reasons that SHS was.

Ms. Murphy clarified that the motion was for a universal exemption for that block for all sectors. She stated that both the Science Center and the Protected Species Division had concerns with exemptions to any of the closure areas because of ancillary benefits to harbor porpoise populations as well as to spawning. One Committee member replied that it was not possible to keep all the other mortality reductions and still expect sectors to succeed. He felt that the Council had not done enough to eliminate mortality reductions for sectors in Amendment 16. Another member stated that it would make sense to give a more thorough review to requests for exemptions more broadly. Other members replied that it would not be possible to conduct such a review before May 1<sup>st</sup>.

The motion **carried** on a show of hands (5-1-3)

#### *SNE Winter Flounder Study Fleet Proposal*

A Committee member presented a proposal for a program that would create a SNE winter flounder study fleet. The intent of the program would be to get better data on the biology of the flounder.

Some members felt that, since the Council does not have any input on experimental fishery requests, the proposal should go to the NEFSC for them to determine its viability. Also, they stated that they had not had time to read the proposal and would not feel comfortable recommending it at this point in time.

Chris Brown, president of the Rhode Island Commercial Fishermen’s Association and the author of the proposal, told the Committee that it was necessary to approach the Council with a solution in hand. He argued that the problem with this stock is that nobody understands where the mortality lies, and that there are many different agencies regulating the fleet with conflicting rules. Mr. Brown then stated that there is a longstanding misinterpretation of what happens when fish are allocated: it does not increase mortality, but rather ensures that mortality objectives will be met. He told the Committee that he was trying to make them aware of the enormity of the problem of small-mesh flounder mortality.

Council staff pointed out a disparity between the experience Mr. Brown reported and the assessment reports, which indicate only a small amount of SNE winter flounder mortality coming from discards. There also could be an issue with allocating a stock on which mortality is required to be “as close to 0 as possible”. Under A16, this stock could be allocated to sectors at some point, but that must be coupled with the need to rebuild as quickly as possible. Mr. Brown reiterated his impression of the severity of the problem, questioned the discard estimates presented by staff, and argued that failure to act on SNE winter flounder stocks could realistically

lead to the closure of the fisheries in the entire area. One Committee member expressed hope that this issue would be revisited at the upcoming Council meeting.

#### *Dockside Monitoring Standards*

Maggie Raymond of Associated Fisheries of Maine informed the Committee that, over the past several months, a group of industry representatives met to work up some dockside monitoring standards and developed a set of standards that all agreed to go by. When the Council voted in Amendment 16 to have 50% of trips monitored through the process, the group assumed that meant directed groundfish trips. However, they have recently learned that state monkfish and dogfish trips must also be monitored. The industry feels that the policy that the agency has developed – to monitor these fisheries in case there is a small amount of groundfish discards – is a waste of money, and is further concerned that the policy will carry forward once the industry must pay for these trips. She expressed hope that the Committee or Council could recommend not to monitor those trips.

NMFS staff stated their impression that the monitoring would apply to any trip that would count against a sector's ACE. They were unaware of some of the subtleties being discussed in the industry and offered to meet with industry representatives off-line to listen to their concerns and determine if a solution could be found.

#### *Great South Channel Small Dredge Exemption Area*

Tom Dempsey of the Cape Cod Commercial Hook Fishermen's Association raised the issue of extending the Great South Channel small dredge exemption to the entire fleet. Since the fishery has changed, with a lot of vessels leaving and the rest transferring to a hard TAC, he stated that it would make sense to allow the generally category scallopers to fish there. The Scallop Committee supported bringing this proposal to the RA, and he asked the Groundfish Committee to join in its support.

Several Committee members expressed concern that they had not had time to think about the issue or to review the information that was provided at the meeting. One member noted that the Scallop Committee had the expectation that the topic would be discussed at this meeting and that it would be more fair to those who had that expectation if there was a full conversation on the issue. The Committee Chair pointed out that the topic would be discussed at the full Council meeting, since the Scallop Committee was making a recommendation to the Council.

Council staff expressed concern that so many issues were brought to the Committee's attention under "other business" without prior notice. Members of the public were encouraged to get materials to the Council office in advance so that notice of the discussion could be posted in the Federal Register and the public could be informed of the debate.